REMARKS

Claims 1-25 were pending in the application and all were rejected. Claims 1, 2, 6, 8, 10, 11, 14, 16, 17, 18, 21, and 22 have been amended. Claims 3 and 7 have been canceled. Support for the claim amendments can be found in Applicant's disclosure, as published in United States patent Publication No. 2005/0198244, specifically at paragraphs [0014], [0028], [0047], [0048], [0053], [0067], [0075], [0079], [0083], [0086] Applicant respectfully requests reconsideration.

CLAIM REJECTIONS UNDER 35 USC §112

The Office Action rejected claims 1 and 2 under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claims 1 and 2 have been amended to correct the claim language which the Examiner found to be objectionable.

CLAIM REJECTIONS UNDER 35 USC §102

The Office Action has rejected claims 1-6, 9-14, 19, and 21-25 under 35 USC 102(e) as being anticipated by U.S. Patent No. 7,050,807 filed on June 12, 2000 by Osborn ("Osborn"). For a reference to anticipate a claim, each element and limitation of the claim must be found in the reference. *Hoover Group, Inc. v. Custom Metalcraft, Inc.,* 66 F.3d 299, 302 (Fed. Cir. 1995).

Applicant respectfully traverses this rejection and submits the following in support:

Claim 1 has been amended to clarify the inventive process of the subject application. Claim 1 has also been amended to incorporate the limitations of claim 7 regarding replacing nodes on the Concrete Model with a subgraph. The Office Action concedes on page 12 that Osborn does not specifically disclose this step. Also, the Office Action concedes that Osborn does not disclose "repeating the step of selecting and replacing until a resulting intermediary model is mappable to said knowledge subsystem."

Osborn is limited to handling of hardware resources, whereas the claimed subject matter deals with both software and hardware resources. Further, Osborn does not disclose the mapping step as detailed in claim 1. Osborn does not map a model to a knowledge subsystem. Rather, Osborn's mapping is limited to mapping software jobs to the hardware that will run the jobs. See Osborn at Col. 3, lines 8-16: "The application manager 16 retrieves software objects 36 required to run the application from an application object library 37 (FIG. 2 based on the virtual objects 35, and loads the objects 36 onto the hardware processors 20, 22, 24 through a mapping function represented generally at 38 based on hardware resource allocation information provided by the hardware resource manager 18 and facilitated by the hardware resource identifier 19." Also see Col. 3, lines 63-66: "...which identify application hardware requirements, and which are transmitted to the hardware resource manager 18 and mapped at 76 in the abstraction layer 54 to the available system hardware resources 14."

Therefore, Applicant submits that claim 1 is not anticipated by Osborn because Osborn is lacking the claim elements as discussed above.

Claims 2, 4-6, 9-14, and 19 are dependent, either directly or indirectly on claim 1; therefore they are not anticipated by Osborn for at least the same reasons that their parent claim is not anticipated by Osborn.

Claim 21 has been amended to incorporate the limitations from claim 1 that are not found in Osborn; therefore claim 21 is not anticipated by Osborn.

Claims 22-25 are dependent on claim 21; therefore they are not anticipated by Osborn for at least the same reasons that their parent claim is not anticipated by Osborn.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 7 and 8 under 35 USC 103(a), as being unpatentable over Osborn, as applied to claim 1 above, and in further view of U.S. Patent Application Publication No. US 2003/0208473 filed on January 28, 2000 by Lennon ("Lennon").

Claim 7 has been canceled, thus mooting its rejection. However, the limitations of claim 7 have been incorporated into claim 1. This limitation, specifically the refinement step of selecting a node and replacing the node with a sub graph and repeating until an intermediary model is mappable, is not found in Lennon as is suggested by the Examiner. Lennon does not teach forming a concrete model as part of a method to satisfy requirements in a Service Environment Model. Lennon instead deals with representation of XML documents. This is why Lennon's only modeling is described at paragraph [0115]: "The preferred DDE attempts to

incorporate the benefits of declarative description of content with procedural methods for the creation and processing of descriptors. It comprises an object model, an API for the processing of descriptions, and a serialisation syntax. The DDF can be used to adequately describe content using these components." See also Lennon at paragraph [0125]: "The tree-based structure of the DesOM (and for that matter, the DOM) is an appropriate representation of hierarchically structured data such as the preferred data model." Clearly, Lennon is describing modeling for a web document, not modeling for matching infrastructure to service requirements.

Here Lennon describes his model again: "[0154] The inherent containment property of the core Descriptor object is represented by a tree-based processing model (ie., parent-children data model) where each node of the tree is either a Descriptor or Atomic Descriptor Value object. [Atomic Descriptor Value objects can only exist as leaf nodes of the tree.]"

Claim 8 is not unpatentable over the cited references because, by virtue of its dependence on claim 1, it incorporates claim limitations not found in either reference.

The Office Action rejected claims 15 and 16 under 35 USC 103(a) as being unpatentable over Osborn, as applied to claim 12 above, and in further view of U.S. Patent No. 6,332,023 issued on December 18, 2001 to Porter et al. ("Porter").

Claims 15 and 16 are dependent on claim 1. Neither Osborn nor Porter teach or suggest all of the claim limitations of claim 1; therefore claims 15 and 16 are also patentable over the cited references by virtue of their dependence.

The Office Action rejected claims 17 and 18 under 35 USC 103(a) as being unpatentable over Osborn, as applied to claim 1 above, and in further view of U.S. Patent Publication No. 2004/0128397 filed on September 10, 2003 by Glasmann et al. ("Glasmann").

Claims 17 and 18 are dependent on claim 1. Neither Osborn nor Glasmann teach nor suggest all of the claim limitations of claim 1; therefore claims 17 and 18 are also patentable over the cited references by virtue of their dependence.

The Office Action rejected claim 20 under 35 USC 103(a) as being unpatentable over Osborn, as applied to claim 19 above, and in further view of U.S. Patent 6,901446 filed on February 28, 2001 by Chellis et al. ("Chellis").

Claim 20 is dependent on claim 1; therefore it is patentable over the cited references by virtue of its dependence on a patentable claim.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

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